

**EXHIBIT C (Part 2)**

Page 62

1 I would imagine that you don't always have an EEO  
2 problem at every facility, I would hope. But was  
3 this a unique number for you as far as this facility  
4 went?

5 A. It was on the high side, but not unique.

6 Q. I'm aware of Jamie Elder's complaint. I  
7 understand it was a sexual harassment complaint; is  
8 that correct?

9 A. Yes.

10 Q. What about Leanne Scopa; just briefly, what  
11 was her complaint was about?

12 A. Sexual harassment.

13 Q. And Sandra Williams as well?

14 A. Yes.

15 Q. Were the three women related or different  
16 context, different cases?

17 A. As far as I could tell, they were totally  
18 different conditions and circumstances.

19 Q. And I understand Ms. Elder filed a charge  
20 with the MCAD, and Mr. Anderson, last time I spoke  
21 to him during his deposition, said that the case was  
22 still being litigated. Do you know whether or not  
23 that case has been resolved?

24 A. So far as I know, it was never litigated.

Page 63

1 It was with MCAD, and we settled.

2 Q. And Ms. Scopa, can you tell me the type of  
3 complaint that she made? Was it internal? Was it  
4 through an administrative agency?

5 A. It was an MCAD filing.

6 Q. And what happened with that case?

7 A. We had a hearing with MCAD relative to the  
8 facts, and met with Ms. Scopa at MCAD, and  
9 eventually came to a cash settlement.

10 Q. And Ms. Williams?

11 A. I don't believe we met with MCAD. She  
12 filed suit. She did file suit. And that was a cash  
13 settlement as well.

14 Q. Now, with respect to the time period, I  
15 know Ms. Elder's charge originated within the 2000  
16 to 2003 time frame. Is that the same for Ms. Scopa  
17 and Ms. Williams, to your recollection?

18 A. My memory of the sequence would have been  
19 Elder, Scopa, Williams.

20 Q. With respect to Mr. Willis's complaints of  
21 discrimination, you mentioned you got a first call  
22 from Warren about complaints about graffiti. Did  
23 you ever get any complaints or any information from  
24 Warren or anybody else about any other complaints

Page 64

1 Mr. Willis made at the site?

2 A. I believe there were several things  
3 enumerated in Mr. Willis's visit to Warren's office  
4 and that Warren and I discussed all of those  
5 elements at one time or another.

6 Q. Mr. Willis worked for a subcontractor on  
7 that site, Encompass. Do you recall that?

8 A. I recall that fact.

9 Q. Did you think to yourself at the time that  
10 you learned that, and I assume -- let me back up.

11 Did you learn that Mr. Willis was in fact a  
12 subcontractor's employee right from the beginning  
13 when you heard about the complaint?

14 A. My initial conversations with Warren would  
15 have revealed that, yes.

16 Q. Did you have any concern, or if you can  
17 explain to me what your position was as far as  
18 dealing with Mr. Willis's complaints, given that he  
19 wasn't directly a WGI employee.

20 A. I did not see us getting separated from  
21 that, because it was our setup, and inasmuch as we  
22 can influence the environment, we need to do  
23 whatever we can.

24 Q. Did you ever speak to Mr. Willis directly

Page 65

1 about his complaints?

2 A. I did not.

3 Q. Did you ever speak to any of the six  
4 charging parties in this case, Mr. Enagbare, Mr.  
5 Kaindoh, Mr. Bell, Mr. Baldwin or Mr. Henderson?

6 A. Not to my recollection.

7 Q. I have spoken to Mr. Anderson in detail  
8 about his communication with each of these  
9 individuals.

10 As far as the graffiti allegations on the  
11 work site, did you get any other reports from Mr.  
12 Anderson or anyone else at Sithe Mystic about  
13 discriminatory graffiti erupting at the work site?

14 A. I'm not sure erupting, but the occurrence,  
15 and someone's concern about graffiti apparently was,  
16 to my recollection, was a common theme to each of  
17 the six Plaintiffs. And those came in at various  
18 times.

19 Q. Did you ever go to the Sithe Mystic  
20 facility?

21 A. I did not.

22 Q. Mr. Anderson testified at length about the  
23 discriminatory graffiti that occurred on the site of  
24 Sithe Mystic. Did you have communications with Mr.



Page 70

1 it. It could have been him, in which he said, "We  
2 have cleaned it. Someone has on occasion written  
3 over that, the cleaning, and we've gone to  
4 painting," and then they shifted to black paint,  
5 because lesser depths of shade were not covering it.

6 Q. Any other discussions about how to handle  
7 the graffiti on the site, other than cleaning and  
8 painting?

9 A. No, because I felt that, if it was applied  
10 sufficiently, that we would be successful in that  
11 fashion.

12 Q. Did you ever suggest anything else to  
13 Warren that you discussed, other than cleaning and  
14 painting? Any other ideas sort of batted around  
15 about how to handle the situation?

16 A. Well, there were certainly discussions and  
17 a follow-through of talking to the site, talking  
18 to -- particularly those areas that we had somehow  
19 isolated for activity, what have you, or complaints,  
20 I guess, and to instruct the group as to our  
21 expectations and the punitive actions that would  
22 ensue for failure to comply.

23 Q. Did you have any conversations with Warren  
24 at all about what -- well, let me back up. Did you

Page 72

1 no.

2 Q. Was there ever any discussion about keeping  
3 a log, photographs, video, or any memorialization of  
4 the graffiti that was actually found in the  
5 workplace one way or the other, "Let's keep it," or  
6 "Let's not keep it"? Do you have any recollection  
7 about that discussion?

8 A. No.

9 Q. Did you ever have any understanding of the  
10 frequency and severity of the graffiti that existed  
11 at Mystic?

12 A. The most significant level of awareness  
13 that I achieved regarding that was when our attorney  
14 at the time submitted to us the EEOC findings I  
15 believe after the suit had been filed. There was  
16 some sort of discovery, release of information, et  
17 cetera, and I received the copies, the Xeroxed  
18 copies, photos of that.

19 Q. But independent of those photos, and  
20 specifically during the time that you learned about  
21 the complaints that were at that point fresher, for  
22 lack of a better word, at Mystic, did you have an  
23 understanding of the frequency and severity of the  
24 graffiti?

Page 71

1 ever learn that any of the graffiti or that the  
2 graffiti that was reported was threatening in  
3 nature?

4 A. At some point I had information regarding  
5 "The kids aren't safe" or something like that. I  
6 found that out at some point, yes.

7 Q. And I think what you're referring to is  
8 actually a piece of graffiti that we have  
9 photographed that says, "Godwin, your kids aren't  
10 safe." Does that jog your memory?

11 A. Yes.

12 Q. Do you consider that to be threatening?

13 A. Yes.

14 Q. Once you learned about the threatening --  
15 this particular threatening piece of graffiti, was  
16 there any discussion about doing something else with  
17 the graffiti problem, other than painting and  
18 cleaning?

19 A. Advising those individuals to please keep  
20 us informed of any changing circumstances in their  
21 work environment.

22 Q. Did you ever give any consideration to  
23 advising law enforcement about threatening graffiti?

24 A. I don't recall having that conversation,

Page 73

1 A. No.

2 Q. Was there any discussion between you and  
3 Mr. Anderson or anybody else at Site Mystic about,  
4 you know, finding out if anybody recognized or could  
5 identify the handwriting on some of this graffiti  
6 that was problematic?

7 A. My discussions with Warren would have been,  
8 if there is any way to find out the cause of it, and  
9 that was part of those meetings with employees, if  
10 we find out, punitive action and termination would  
11 occur. As to any formal process for assessing  
12 handwriting, I don't believe we used anything like  
13 that.

14 Q. I do want to show you some documents  
15 that -- I don't think I'm going to mark these again.  
16 Many of them have actually been marked in Warren's  
17 deposition. Absent any opposition from anybody  
18 here, I'm going to go ahead and do that.

19 The first document I'm going to show you is  
20 a document that's marked as Exhibit 14 in Mr.  
21 Anderson's deposition, and I'll show you that.

22 A. (Reviewing document)

23 Q. Have you had an opportunity to review the  
24 document?



Page 74

1 A. Yes.  
 2 Q. Have you seen this document before?  
 3 A. Yes.  
 4 Q. When did you first see this document?  
 5 A. I believe I generated that.  
 6 Q. You actually drafted it?  
 7 A. No. I put it together.  
 8 Q. What do you mean by that?  
 9 A. From the report from which it came, I  
 10 extracted this. I wiped out some of the other stuff  
 11 and sent it to Warren to alert him, to let Warren  
 12 know -- this is my recollection of this; I think  
 13 it's accurate -- to let Warren know that it was  
 14 being looked after.  
 15 Q. Okay. I think I understand what you just  
 16 said, but let me try to back up. Now, the subject  
 17 of this document says "Human Resources Report for  
 18 the week ending September 6th, 2002."  
 19 Is there a Human Resources report that goes  
 20 out weekly to Stephen Hanks -- I assume that those  
 21 are individuals in the Office of the Chairman?  
 22 A. That's correct.  
 23 Q. Is that true, that --  
 24 A. Generally true.

Page 75

1 Q. On a weekly basis?  
 2 A. Generally true.  
 3 Q. And is it fair to say that this particular  
 4 weekly report was generated by you, I guess, through  
 5 Larry Myers and then to the Office of the Chairman?  
 6 Is that how it goes?  
 7 A. I would generate a weekly report.  
 8 Q. Okay.  
 9 A. One of my pieces labeled "EEO/AA" here  
 10 would have -- this would have been in my report.  
 11 Larry Myers then takes the reports of all the HR  
 12 directors, five to eight, you know, whatever other  
 13 sources for the weekly report, and selects those  
 14 items from those individuals' reports to put into  
 15 his report that goes to the Office of the Chairman.  
 16 Q. Do you know how the selection process goes  
 17 with respect to -- I mean, probably not every single  
 18 thing gets put in; is that true?  
 19 A. True.  
 20 Q. I mean, to your knowledge, are items  
 21 selected that could cause liability for the company?  
 22 I mean, how does -- if you know, how is that  
 23 generated?  
 24 MR. PATERNITI: Objection. I'm just

Page 76

1 confused. Are you talking about the report he  
 2 writes or the report that Larry Myers writes?  
 3 MS. PALACIOS-BALDWIN: I'm talking about  
 4 just the weekly report that is being submitted to  
 5 the Office of the Chairman. If it's going from  
 6 Larry Myers, that's fine. He said he generated his,  
 7 or this one.  
 8 A. I wouldn't want to be presumptuous about  
 9 how Larry Myers makes his selections, but there have  
 10 been generalizations to those people who submit  
 11 reports to try and make the contents of your report  
 12 relevant to business, as opposed to "This week I'm  
 13 working on something"; if you have an end result or  
 14 if there is a condition, et cetera, that appears to  
 15 be reportable and affecting -- whether it's good,  
 16 bad, what have you, that management needs to know  
 17 about in order to apply the necessary resources.  
 18 Q. Okay. And did you get a response from the  
 19 Office of the Chairman about this particular report  
 20 that you made?  
 21 A. No.  
 22 Q. Have you ever gotten a response from the  
 23 Office of the Chairman on any report that you've  
 24 made?

Page 77

1 A. No.  
 2 Q. Do you think they read it? Just kidding --  
 3 well, actually, I'm not kidding. Do you think they  
 4 read it?  
 5 A. Yes.  
 6 Q. They review it themselves?  
 7 A. The link there is that I, at that time  
 8 reporting to Larry Myers, submitted my report to  
 9 Larry Myers. Larry Myers did with it what he would.  
 10 That was the end of my connection to the Office of  
 11 the Chairman.  
 12 Q. All right. Now, if you look with me on the  
 13 actual text, the narrative piece under "EEO," I  
 14 guess Affirmative Action, "AA," the second-to-last  
 15 line says, "All supervisors are being reminded of  
 16 their responsibility and sensitivity training will  
 17 be done to raise awareness."  
 18 A. Okay.  
 19 Q. Do you know whether in fact sensitivity  
 20 training was actually done at the facility?  
 21 A. Yes.  
 22 Q. And how do you know that?  
 23 A. By records of the meetings that were  
 24 conducted which the supervisors generally referred